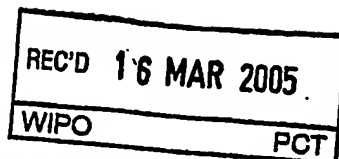


## PATENT COOPERATION TREATY

## PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BPCL 9972	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/05208	International filing date (day/month/year) 03.12.2003	Priority date (day/month/year) 17.12.2002
International Patent Classification (IPC) or both national classification and IPC C08F4/64		
Applicant BP CHEMICALS LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

## 3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 01.07.2004	Date of completion of this report 15.03.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tél. +49 89 2399 - 0 Tx: 523656 epmu'd Fax: +49 89 2399 - 4465	Authorized Officer: Balmer, J-P Telephone No. +49 89 2399-8520 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/05208

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-16 as originally filed

**Claims, Numbers**

1-15 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(o)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/05208

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-3,9-15
Inventive step (IS)	Yes: Claims	
	No: Claims	4-8
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB 03/05208

**Ad section V**

1. Reference is made to the following documents:

D1: EP-A-1 097 949

D2: WO-A-02/066524

D3: EP-A-1 241 188

D4: US-A-2002/007023

2. All the cited prior art documents disclose the preparation of a supported metallocene catalyst onto a pretreated support with a sulfate containing compound (sulfuric acid or ammonium sulfate or metal-sulfate). The cocatalyst used therein, except for D2, is an alkylaluminum.

Accordingly present claims 1-3,9-15 are not novel over the prior art with regard to Article 33(2) PCT.

3. The present specific metallocene procatalyst and borate cocatalyst used are known from the prior art for the polymerization of olefins. Unless the applicant can show any unexpected effect related to the use of these specific compounds the examining division consider the scope of claims 4-8 as simple alternative of the prior art not showing an unexpected effect vis a vis the prior art.

Accordingly present claims 4-8 do not involve any inventive step with regard to Article 33(3) PCT.

4. Industrial applicability is acknowledged (Article 33(4) PCT).